U.S. Department of the Interior
Bureau of Land Management

Kremmling Field Office
P O Box 68
Kremmling, CO 80459

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CON02000-2013-0004-EA

CASEFILE/PROJECT NUMBER: COC-75711

PROJECT NAME: Hester's Holdings-Water Facility System

LEGAL DESCRIPTION: T. 1 N., R. 80 W., 6th P.M., Section 28

APPLICANT: Hester's Holdings, LLC Colorado

PURPOSE & NEED FOR THE ACTION: The purpose of the project is to construct a water system on BLM administered lands for water to a hunting cabin and sawmill. The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way grant.

The applicant has proposed developing a seep on public lands to provide wildlife water and to pipe excess water to their private property. The seep is located on the west side of Junction Butte and would facilitate big game management on the east side of Highway 9.
The applicant desires to collect any excess water for their use.

Decision to be Made: The decision to be made is whether to grant Hester's Holdings, LLC the right to construct a water system on BLM administered lands.

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES:

Scoping: Internal scoping was initiated when the project was presented to the Kremmling Field Office interdisciplinary team on 05/29/2013. External scoping was conducted by posting this project on the KFO's on-line National Environmental Policy Act (NEPA) register on MM/DD/YYYY.

Issues: No issues were identified during public scoping.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Background/Introduction: The applicant has been dependent on an adjacent landowner's water and no longer has access to that water. They have pursued developing groundwater on their property, hiring a consulting geologist and drilling two deep water wells, both of which were dry. The applicant has a sawmill operation and a hunting cabin on their property. They use the water for sanitation and drinking water, using a small amount of water daily. In the previous 20 years, they have metered less than 100,000 gallons of total water use, which would represent about 13.6 gallons a day. The applicant uses ultra-violet light and filtration to treat all of their water. There are possibilities of increasing the use in the future, if the applicant constructs a game processing plant or a greenhouse. Both businesses would be seasonal, with the game processing plant operating primarily during the fall hunting season and the greenhouse operating only during the winter months.

The Colorado Department of Transportation is proposing upgrading the highway to reduce collisions with big game and to improve motorists' safety. Wildlife fencing is being proposed, reducing access to the Blue River on the west side of the highway. The Proposed Action would provide an upland water trough away from the highway for wildlife.

Proposed Action: Hester's Holdings has applied for a right-of-way to install a water system. The system would include an infiltration gallery to collect water at the toe (downhill side) of the seep and bring it to the spring box. The water would then be piped downhill (approximately 300 feet) to a cistern, which would be located near an abandoned set of troughs. A 2,000 gallon cistern made of high impact black pvc pipe, would be buried near the troughs, with one short length of pipe going to a new trough. Another pipeline would run down the existing two track road across Colorado state land property approximately 1,500 feet. At the bottom of the slope, the pipeline would leave the two-track and travel another 1,300 feet to the applicant's private land. Equipment that would be used is a backhoe, excavator, small dozer and hand work.

Access to the water system would come off of Kent Hester's private land. Approximately 495 feet of pipeline, the spring development, wildlife trough, and cistern would be located on public lands. Roughly 1,800 feet of pipeline would travel across state lands and the remaining pipeline would be on the applicant's property. The applicant already has a pipeline on the property connecting a sawmill and a hunting cabin.

Design Features:
The Natural Resource Conservation Service surveyed the proposed project for the applicant and provided him with a project design. The construction would occur according to their specifications for a spring development and pipeline (see ROW case file for specifications and designs). The applicant would arrange for a local contractor to construct the development.

1. Due to the uncertainty of the seep's yield, an infiltration gallery would be constructed first at the toe of the seep. If there is at least some seepage into the trench, then the gravel and filter cloth would be installed. If not, then the trench would be closed and the area reseeded.

2. Pipeline would be buried four feet below the ground to protect from freezing. After burial and compaction, the soil surface would be left "rough" and not smoothed out. This would help reduce runoff from travelling the pipeline and help detain precipitation to increase soil moisture. Where the pipeline travels down a slope, water bars would be constructed to divert runoff from travelling the pipeline.

3. A construction tire would be used for the wildlife trough. Tire tanks are resistant to vandalism and damage from big game use.

4. All disturbed areas would be seeded with a BLM approved certified seed mix.

5. The BLM would hold the senior water right on the spring for livestock and wildlife use. The applicant would hold a junior water right for domestic and industrial purposes.

No Action Alternative: The No Action Alternative would be to deny Hester's Holdings, LLC a right-of-way for a water system.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD:
None carried forward.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Record of Decision for the Kremmling Resource Management Plan

Date Approved: 1984 and updated in 1999

Decision Number/Page: Page 14

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

Standards for Public Land Health: In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis (EA). These findings are located in specific elements listed below.

Cumulative Effects Analysis Assumptions: Cumulative effects are defined in the Council on Environmental Quality (CEQ) regulations (40 CFR 1508.7) as "...the impact on the environment that results from the incremental impact of the action when added to other past, present, and

reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." Table 1 lists the past, present, and reasonably foreseeable future actions within the area that might be affected by the Proposed Action; for this project the area considered was the area around and including Junction Butte. However, the geographic scope used for analysis may vary for each cumulative effects issue and is described in the Affected Environment section for each resource.

Table 1. Past, Present, and Reasonably Foreseeable Actions

Action Description	STATUS		
	Past	Present	Future
Livestock Grazing	X	X	X
Recreation	X	X	X
Invasive Weed Inventory and Treatments	X	X	X
Spring or Water Developments	X	X	X
Wildfire and Emergency Stabilization and Rehabilitation	X	X	X
Wind Energy Met Towers			X
Oil and Gas Development: Well Pads Access Roads Pipelines Gas Plants Facilities	X	X	X
Power Lines			X
Oil Shale			
Seismic			X
Vegetation Treatments	X	X	X

Affected Resources:

The CEQ Regulations state that NEPA documents "must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail" (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. Table 2 lists the resources considered and the determination as to whether they require additional analysis.

Table 2. Resources and Determination of Need for Further Analysis

Determination[1]	Resource	Rationale for Determination
Physical Resources		
NI	Air Quality	The Proposed Action would create some fugitive dust during construction, but prevailing winds are away from any residences or infrastructure. The amount and duration of the dust would be very small, with no residual impacts to air quality.

Determination[1]	Resource	Rationale for Determination
NI	Geology and Minerals	There would be no impact to geological or mineral resources from implementing either the Proposed Action or No Action Alternative.
PI	Soil Resources*	See Soil Resources section in this environmental analysis.
NI	Surface and Ground Water Quality*	The proponent is following the NRCS's spring development design which protects the seep's source and provides wildlife water in an upland area. The proponent understands that the source is used by wildlife and must pretreat the water prior to use. The Proposed Action would not impact the seep's water quality or the area's surface water quality. The No Action alternative would maintain the existing conditions.
Biological Resources		
PI	Wetlands and Riparian Zones*	See the Wetlands and Riparian Zones section in this Environmental Analysis.
PI	Vegetation*	See the Vegetation section in this Environmental Analysis.
NP	Invasive, Non-native Species	Currently there are no known Noxious and or Invasive species present within the Project area. The attached stipulations would in most cases provide mitigations that would prevent any new populations of Invasive species from establishing.
PI	Special Status Plant and Animal Species*	See analysis.
PI	Migratory Birds	See analysis.
NP	Aquatic Wildlife*	There are no aquatic wildlife present in the proposed project area.
PI	Terrestrial Wildlife*	See analysis.
Heritage Resources and the Human Environment		
NI	Cultural Resources	A cultural resource inventory BLM report #CR-13-27 recorded site 5GA4312 an historic water trough and spring box with a prehistoric component. Site 5GA4312 is not significant. The project is a **no effect**, there are **no historic properties** that would be affected.
NI	Paleontological Resources	The geologic formation is the Pierre Shale Undivided with Ammonites, baculites, nautilus, bivalves, clams, gastropods, mosasarus, marine reptiles, scaphites, and oysters. The PFYC is 3 and the condition is 2. Vertebrate fossils and scientifically significant invertebrate or plant fossils are known to occur intermittently. The standard operating stipulations would apply.
NP	Native American Religious Concerns	Consultation was initiated on June 18, 2013. To date no tribe has identified any area of traditional cultural concern.
NI	Visual Resources	The proposed project area is within VRI II which should retain the existing visual characteristics and the casual viewer should not notice any differences. The majority of the work would be done underground (piping and cistern). The troughs are constructed out of old tires which would fade into the background on the hill. There would not be any substantial changes to the visual resources in the proposed action and the no action alternative.
NI	Noise	There would be a short term increase in noise during the development of the seep and construction of the buried pipeline. The immediate area already has increased noise levels from vehicle

Determination[1]	Resource	Rationale for Determination
		traffic on Highway 9 and noise from the Hester Lumber Mill. There would be no impacts from the Proposed Action or No Action alternatives.
NP	Hazardous or Solid Wastes	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Fire Management	This would have little to no impact on Fire Regime or Fire Regime Condition Class, the spring is also minimal and would likely not be reliable for wildland fire suppression.
NI	Social and Economic Conditions	There would not be any substantial changes to local social or economic conditions.
NP	Environmental Justice	According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations.
Resource Uses		
NP	Forest Management	Although there are cottonwoods and willows in the project area, Forest Management would not be affected by implementing either the Proposed Action or the No action alternative.
NP	Rangeland Management	The proposed action is not within the boundaries of a livestock grazing allotment.
NI	Floodplains, Hydrology, and Water Rights	There are currently no water rights held on the seep. If the proponent develops the seep, the BLM would file for the senior water rights for livestock and wildlife purposes. If there is adequate flow, then the proponent would file for junior water rights for domestic and industrial purposes. BLM's current and future water uses would be protected, as would the proponent's. There are no floodplain concerns, as the seep is located outside of the floodplain and does not affect the floodplain or flood hazards. The development does provide wildlife water away from the Blue River floodplain. Hydrology issues are discussed in the Wetland Section of this document.
NP	Realty Authorizations	There are no ROW authorizations in the proposed project area.
NI	Recreation	Existing recreational uses in the general area include hunting, hiking, horseback riding, Off-Highway Vehicle use, wildlife viewing; snowmobiling and driving for pleasure. There would be no impacts from the Proposed Action or No Action alternatives.
NI	Access and Transportation	If the proponent develops the seep and installs a buried pipeline they would be able to access such improvements for maintenance. The proponent has not requested and would not be allowed to develop or maintain any route for access to the development. There are no changes in existing access or transportation and no impacts under the Proposed Action or No Action alternatives.
NP	Prime and Unique Farmlands	There are no Prime and Unique Farmlands within the project area.
Special Designations		
NP	Areas of Critical Environmental Concern	There are no ACECs in the proposed project area.

Determination[1]	Resource	Rationale for Determination
NP	Wilderness and Lands with Wilderness Characteristics	There are no Wilderness or Wilderness Study Areas within the area of the Proposed Action. The area does not possess Wilderness Characteristics due to its size being less than 5000 acres nor is it of sufficient size as to make practicable its preservation and use in an unimpaired condition.
NP	Wild and Scenic Rivers	There are no Wild and Scenic Rivers in the project area.
NI	Scenic Byways	The Colorado River Headwaters National Scenic Byway is located across Highway 9 on Trough Road (Grand County Road 1). This area is close to the byway but cannot be seen from the byway..

[1] NP = Not present in the area impacted by the Proposed Action or Alternatives. NI = Present, but not affected to a degree that detailed analysis is required. PI = Present with potential for impact analyzed in detail in the EA.
* Public Land Health Standard

If NP or NI are used in the table above, please delete your section below. If PI is used then please complete your section below.

SOIL RESOURCES

Affected Environment: Soil information is from the Grand County Soil Survey, (NRCS, 1983), which is a Level III Soil Survey. The survey is not intended to be used for site specific soils, and the information gives the general soil mapping units found in the area. The seep's source, for instance, is not mapped as a different soil than the surrounding uplands as it is considered too small to map. The seep area would be expected to be more of a depositional area, resulting in a deeper, more organic soil than the adjacent upland.

The upper portion of the hillside is mapped as a gravelly sandy loam soil, with steep slopes. Further downslope, the underlying shale formations result in clay loam soils, with moderate to steep slopes. Both soils are very limited for shallow excavations due to underlying bedrock at 14 to 16 inches and the steep slopes. A less severe limitation also occurs in the clay loams, as cutbanks tend to cave in this soil. The soils' tend to have moderately rapid (sandy loam) to slow (clay loam) permeabilities, and both soils have very low available water capacity, which indicates limited soil moisture that is available for plants. The steep slopes result in rapid runoff and severe water erosion hazard.

Environmental Consequences of the Proposed Action:

Direct and Indirect Effects: The seep collection system would result in a long trench (infiltration gallery) dug into the toe of the seep area. Constructing the trench and installing the spring box would result in the largest area of soil disturbance, which would still be limited to less than 0.05 acres. The seep area is fairly confined by the steep topography, limiting the amount of surface disturbance that can occur. The disturbed soils would revegetate well due to the higher soil moisture and organic content than the upland areas.

The remaining soil disturbance would occur primarily as a linear disturbance along an existing two track. Burying the pipeline to a four foot depth may be difficult depending on the depth to bedrock, although generally the underlying shale formations are soft enough to be excavated. A less deep excavation may result in more pipeline maintenance, due to possible frost heave in the clayey soils and risk of the line freezing. The area is fairly arid, which reduces

the amount of frost heave. Seeding the pipeline should occur in late fall so that the seed can germinate during snowmelt and the longest time of good soil moisture. Leaving the soil surface of the buried pipeline "rough" creates microtopography that retains precipitation on the site, helping revegetation success and reducing soil erosion. The rough surface also helps reduce runoff from travelling the pipeline, eroding the soil and creating rills that can continue to grow.

Wildlife use around the tanks could result in some vegetation removal and soil compaction in the immediate vicinity of the tanks. The areal amount of soil would be small, however, and would not be a concern.

Cumulative Effects: The acreage of disturbed soil from the seep development, tanks, and pipeline is very small. Within three years, the disturbances would have similar ground cover to the adjacent undisturbed areas and with no measurable residual effects. There are no cumulative effects to soil resources from the proposed action.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: Under the No Action Alternative, the seep would not be developed. There would be no direct or indirect impacts to soils and the existing conditions would continue.

Cumulative Effects: None

Mitigation: None

Finding on the Public Land Health Standard #1 for Upland Soils: The area has not been assessed for land health standards, but the field visit did not identify any soil concerns. The proposed action and the no action alternative would not affect the area's ability to meet or to move towards meeting the land health standard.

WETLANDS AND RIPARIAN ZONES

Affected Environment: The water source is in a small seep located in a steep drainage on a small bench in the drainage. During a field visit in September, 2012, there was no surface discharge point and water was not flowing in the drainage. The seep supports narrowleaf cottonwoods, willows, and a sedge/grass understory. Due to the slope of the hillside and the lack of surface discharge, it is unlikely that the seep would produce a large quantity of water.

Environmental Consequences of the Proposed Action:

Direct and Indirect Effects: The water collection system would be located at the downhill extent of the seep. The actual source of the water would not be interrupted and would continue to feed the existing vegetation. The water would no longer saturate the soils in the seep area, however, and would drain towards the collection system. This would reduce the water table within the seep area, and at least partially dry the seep. Some vegetation may be stressed by the drop in the water table, particularly ones located on the outer edges of the seep or species with shallow root systems. Reviewing previous spring developments, the collection systems are only partially efficient at collecting a seep's production and the seep generally continues to support the pre-development vegetation.

Cumulative Effects: Developing the seep would lower the water table in the small benched area in the drainage. During times of drought, this reduction could further stress the wetland vegetation scattered within the drainage that depends on the seep. Over time, the areal extent of the cottonwood/willow community could be reduced from preproject dimensions, and upland species would expand slightly.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: Under this alternative, the seep would not be developed and the existing conditions would continue. The wetland community would not be expected to change.

Cumulative Effects: During extended periods of drought or very wet conditions, the wetland area could change in response to the available water.

Mitigation: None

Finding on the Public Land Health Standard #2 for Riparian Systems: The area has not been assessed for land health standards, but field review of the seep area found a proper functioning condition seep with no concerns. The proposed action could alter the potential of the area by reducing its water source, and using the water outside of the drainage. The new potential for the area could be smaller, but could still be rated as functional. Under the No Action Alternative, the area would continue to be in proper functioning condition.

VEGETATION

Affected Environment: The seep area supports narrowleaf cottonwood, willows and a sedge/grass understory. The vegetation along the two track is a sagebrush/bunchgrass plant community consisting of Mountain big sagebrush, *(Artemisia tridentata var. pauciflora),* Bluebunch wheatgrass, *(Pseudregnaria spicata), and* Indian ricegrass *(Acnatherum hymenoides).* The forbs in the area may vary with seasonal moisture, but include several milkvetchs *(Astragalus spp.),* Buckwheat *(Erigognum spp.),* and Bluebells *(Mertensia oblongifolia).*

Environmental Consequences of the Proposed Action:

Direct and Indirect Effects: Under this action, the removal of soil and vegetation would be minimal, and the area would be reseeded in the fall to take advantage of winter moisture. Since the actual amount of soil disturbance is minimal, there is no concern.

Cumulative Effects: The acreage of disturbed soil is minimal, and the area would have similar ground cover as the adjacent areas within three years. There are no cumulative effects to the vegetation resources from the proposed action.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: Under this alternative, the vegetation would not be disturbed and the existing conditions would continue.

Cumulative Effects: There are no cumulative effects to the vegetation under this alternative.

Mitigation: None.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: The area has not been assessed for Land Health Standards, but a field review of the area found the uplands to be meeting Standard #3 for Land Health.

SPECIAL STATUS PLANT and ANIMAL SPECIES

Affected Environment: There are no special status plant species in the proposed project area. Greater sage-grouse, a BLM-designated Sensitive Species and federal candidate for listing, inhabit the sagebrush within and adjacent to the proposed area. Three leks (breeding areas) are within four miles of the proposed project area with the closest lek about two miles away. This area provides suitable nesting cover and brood-rearing habitat for sage-grouse. Since research has determined that 80% of sage-grouse hens nest within four miles of the leks where they are bred, nesting is likely occurring within or near the proposed project area. In addition, the area provides winter habitat for sage-grouse and is within sage-grouse priorty habitat.

Direct and Indirect Effects: Activities conducted outside the breeding season, March 1 to June 30, would have no potential effect on reproductive functions of Greater sage-grouse. Activities described in the Proposed Action that occur during this time period pose a strong, but declining risk of disrupting active nests and would have potential to adversely impact habitat. Activities may result in destruction of active nests and direct mortality of individuals. As the breeding season progresses, risk to individuals decreases as nestlings gain the ability to fly and escape threats. Because the proposed action involves relatively short-term disturbance within a very small area, the ultimate consequence of nest disruption is greatly reduced. Impacts, if any, would be very confined, temporary, and would represent a negligible effect on Greater sage-grouse populations at the local landscape level.

The proposed spring development would improve big game distribution in the area. Better distribution would result in more suitable habitat for Greater sage-grouse. Grass and forb cover would increase thereby providing additional food, cover, and nest material for sage-grouse.

Cumulative Effects: There should be an incremental improvement in ecological condition over an extended period of time. Improving ecological condition implies improving habitat condition.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: The No Action Alternative would not result in an improvement in big game distribution in the area. Grass productivity would remain as it currently exists and cover for Greater sage-grouse would not increase.

Cumulative Effects: Foregoing the development of a water source contributes to less desirable big game distribution and ecological conditions. This could result in an incremental decline in ecological condition over an extended period of time.

Mitigation: None.

Finding on the Public Land Health Standard #4 for Special Status Species: Neither the Proposed Action or the No Action Alternative would prevent the area from meeting this standard.

MIGRATORY BIRDS

Affected Environment: A variety of migratory bird species, primarily birds of prey and songbirds, have been observed in the proposed project area. Surveys conducted in 1994 by the Colorado Breeding Bird Atlas Partnership recorded many species including Cooper's hawks, Red-tailed hawks, Mountain Bluebirds, Common Nighthawks, American Robins, Barn and Cliff swallows, Green-tailed Towhee, Mountain Chickadees, Mourning Doves, and Violet-green swallows.

Only Golden Eagles have been identified by the U.S. Fish and Wildlife Service as Birds of Conservation Concern. Golden Eagles would likely nest in cliffs or in large trees in the project area and forage in the open sagebrush habitat within and adjacent to the proposed project.

Environmental Consequences of the Proposed Action:

Direct and Indirect Effects: Activities conducted outside the breeding season, May 15 to July 15, would have no potential effect on reproductive functions of migratory birds. Activities described in the Proposed Action that occur during this time period pose a strong, but declining risk of disrupting active nests and would have potential to adversely impact migratory habitat. Activities may result in destruction of active nests and direct mortality of individuals. As the breeding season progresses, risk to individuals decreases as nestlings gain the ability to fly and escape threats. Because the proposed action involves relatively short-term disturbance within a very small area, the ultimate consequence of nest disruption is greatly reduced. Pairs disturbed early in the nesting sequence would likely have sufficient time to re-nest, whereas those pairs disturbed later in the season (having higher nest site fidelity) would be increasingly less prone to nest abandonment or long absences from eggs or chicks. Impacts, if any, would be very confined, temporary, and would represent a negligible effect on breeding bird populations at the local landscape level. No impacts to golden eagles are expected from the proposed action.

The proposed spring development would improve big game distribution in the area. Better distribution would result in more suitable habitat for the migratory bird species listed above. Grass and forb cover would increase thereby providing additional food, cover, and nest material for migratory birds. The proposed spring development would also improve the water source for birds and their prey base. In addition, the prey base for predatory species such as red-tail hawks is also expected to increase as more food is available for squirrels, mice, and other small mammals.

Cumulative Effects: There should be an incremental improvement in ecological condition over an extended period of time. Improving ecological condition implies improving habitat condition.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: The No Action Alternative would not result in an improvement in big game distribution in the area. Grass productivity would remain as it currently exists and cover for ground nesting birds would not increase. The water source for migratory birds and their prey would not improve. In addition, the prey base for predatory species would not increase.

Cumulative Effects: Foregoing the development of a water source contributes to less desirable big game distribution and ecological conditions. This could result in an incremental decline in ecological condition for migratory birds over an extended period of time.

Mitigation: None.

TERRESTRIAL WILDLIFE

Affected Environment: A variety of upland wildlife depends on the habitat within and adjacent to the proposed project area. Rocky Mountain elk primarily use the area in winter while Mule deer use the area both in summer and winter months. The area is also identified as critical winter range for deer. Cougar, black bear, badgers, coyotes, cottontail rabbits, and a variety of small rodents live in the area on a year-long basis.

Environmental Consequences of the Proposed Action:

Direct and Indirect Effects: The proposed spring development would provide an improved water source for big game and small mammals during the summer season and improve distribution in the area. The change in distribution would improve forage conditions and provide additional food and cover vegetation for wildlife using the area. The proposed project would not conflict with terrestrial wildlife since habitat disturbance would be minimal. All vegetative disturbances associated with the project would be reclaimed. Harassment or disturbance of wildlife would also be minimal since construction activities would be short term, in an isolated area, and not likely to occur during periods of animal concentration.

Cumulative Effects: There should be an incremental improvement in ecological condition over an extended period of time. Improving ecological condition implies improving habitat condition.

Environmental Consequences of the No Action Alternative:

Direct and Indirect Effects: The No Action Alternative would not improve big game distribution and would not provide an additional water source for wildlife. If the No Action Alternative was implemented, there would not be any additional forage for wildlife.

Cumulative Effects: Foregoing the development of a water source contributes to less desirable big game distribution and ecological conditions. This could result in an incremental

decline in ecological condition over an extended period of time thus degrading the habitat condition.

Mitigation: None.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: Neither the Proposed Action or the No Action Alternative would prevent the area from meeting this standard.

TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED:
Tribal consultation has been initiated for the Proposed Action on June 18, 2013, and to date no tribe has identified any area of traditional cultural or spiritual concern.

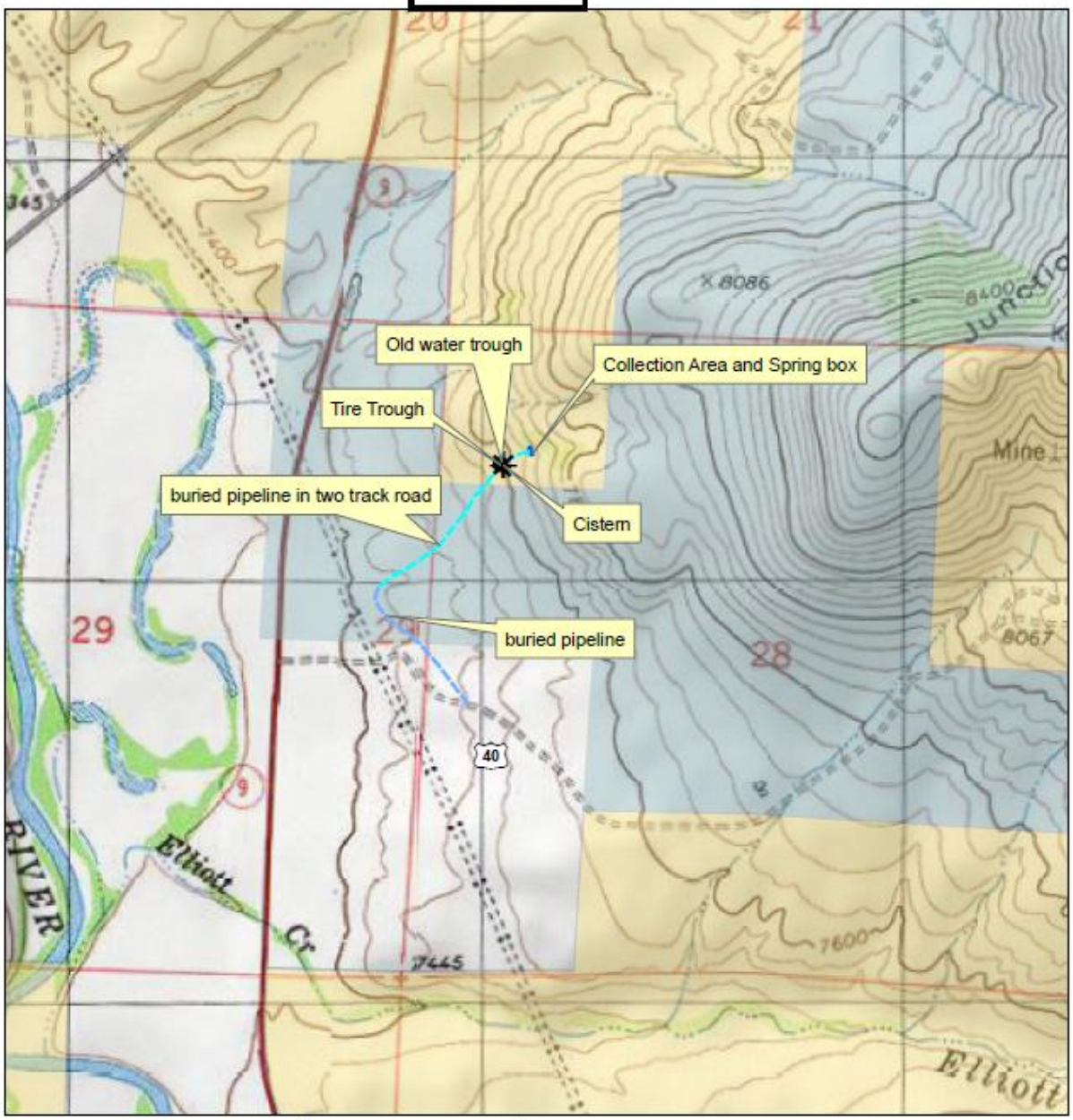
INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Signed
Paula Belcher	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils; Wetland and Riparian Zones	06/18/2013
Bill B. Wyatt	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources	7/5/2013
Cynthia Landing	Rangeland Management Specialist	Invasive, Non-Native Species; Vegetation; Rangeland Management	07/09/2013
Megan McGuire	Wildlife Biologist	Migratory Birds; Special Status Plant and Animal Species; Terrestrial and Aquatic Wildlife; Areas of Critical Environmental Concern.	7/25/2013
Zach Hughes	NRS	Invasive Species, Vegetation	06/28/2013
Kelly Elliott	Natural Resource Specialist	Hazardous or Solid Wastes; Geology and Minerals	05/31/2013
Hannah Schechter	Outdoor Recreation Planner	Visual Resources; Scenic Byway	07/09/2013
John Monkouski	Outdoor Recreation Planner	Access and Transportation; Noise; Recreation; Wilderness	07/09/2013
Ken Belcher	Forester	Forest Management	07/11/2013
Annie Sperandio	Realty Specialist	Realty	06/13/2013
		Project Lead – Document Preparer	MM/DD/YYYY
Susan Cassel	Associate Field Manager	NEPA Compliance	7/27/2013

ATTACHMENTS:
Figure 1: Map of the Project
Stipulations
Seed list

Hester Spring

T.1N R. 80W



Legend

- Bureau of Land Mgt
- Division of Wildlife
- Private
- State

N

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No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

Annie Sperandio, 5-15-2013
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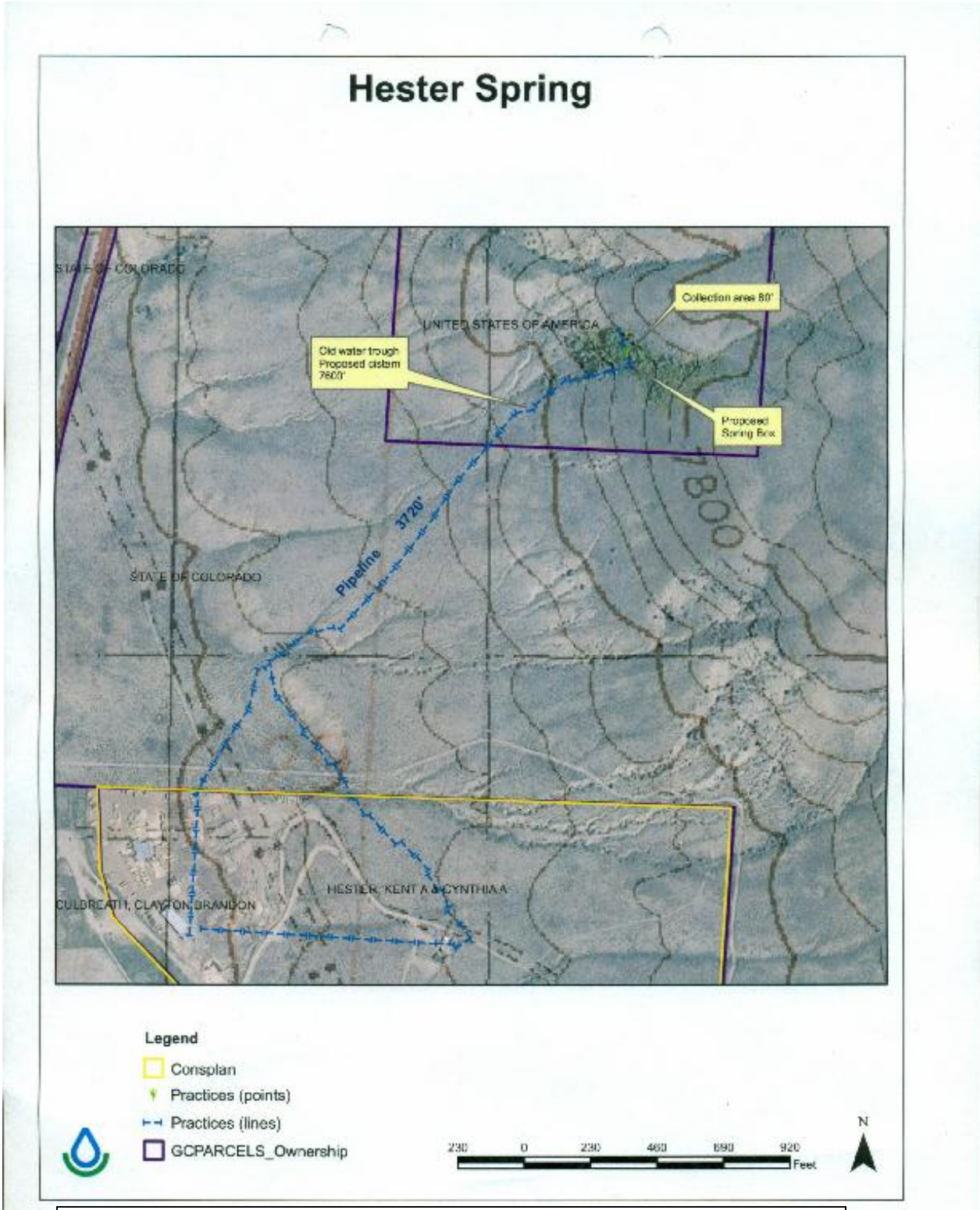
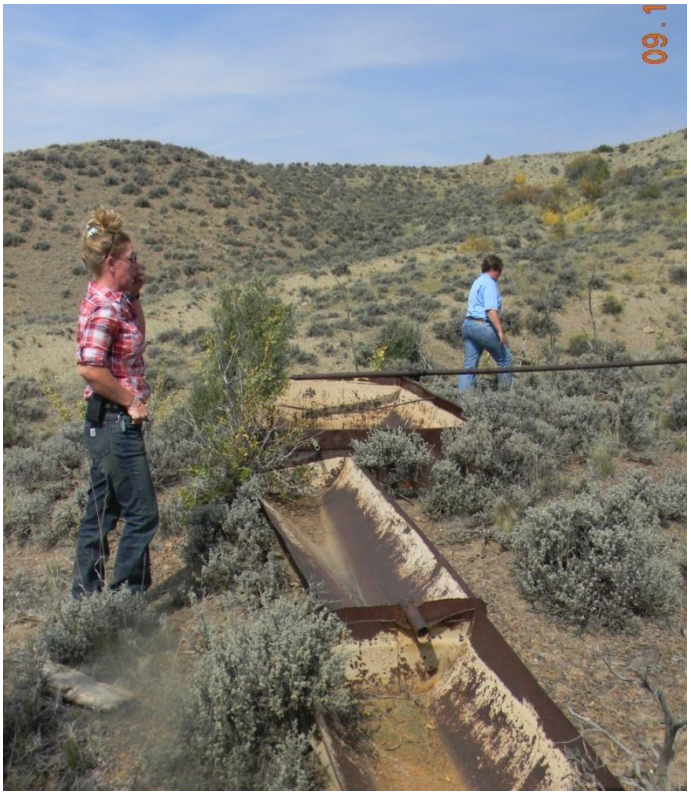


The NRCS surveyed two possible pipeline routes- one that goes to the sawmill's office (west), the other to the hunting cabin (east). The pipeline between the two buildings is in place. The applicant selected the east route.



Old troughs and pipe line below steep.

Seep area in draw with cottonwoods and willows. Pipeline in foreground.

April 9, 2013 Exhibit "B"

STIPULATIONS
FOR
Hester's Holdings, LLC
COC-75711
Water System

Design Features

1. Due to the uncertainty of the seep's yield, an infiltration gallery will be constructed first at the toe of the seep. If there is at least some seepage into the trench, then the gravel and filter cloth would be installed. If not, then the trench will be closed and the area reseeded.

2. Pipeline will be buried four feet below the ground to protect from freezing. After burial and compaction, the soil surface will be left "rough" and not smoothed out. This would help reduce runoff from travelling the pipeline and help detain precipitation to increase soil moisture. Where the pipeline travels down a slope, water bars would be constructed to divert runoff from travelling the pipeline.

3. A construction tire would be used for the wildlife trough. Tire tanks are resistant to vandalism and damage from big game use.

4. All disturbed areas would be seeded with a BLM approved certified seed mix.

5. The BLM would hold the senior water right on the spring for livestock and wildlife use. The applicant would hold a junior water right for domestic and industrial purposes.

Standard Stipulations

6. The holder shall contact the authorized officer at least 5(five) days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.

7. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment

creates ruts in excess of 4 (four) inches deep, the soil shall be deemed too wet to adequately support construction equipment.

8. All equipment shall be washed for all plant material prior to any activities on BLM lands. If invasive, non-native species do become established or spread, it would be the responsibility of Hester's Holdings to eradicate those species.

9. The holder shall seed all disturbed areas, using an agreed-upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. Seed mix should include salt tolerant plants.

10. The holder is responsible for informing all persons in the area who are associated with this project that they shall be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

    The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed shall be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

    Within five working days the Authorized Officer shall inform the holder as to:

    - whether the materials appear eligible for the National Register of Historic Places;
    - the mitigation measures the holder shall likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
    - a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

    If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer shall assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder shall be responsible for mitigation costs. The Authorized Officer shall provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder shall then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource shall also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization shall also be protected. Impacts that occur to such resources that are related to the authorizations activities, shall be mitigated at the holder's cost.

11. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

12. If paleontological materials (fossils) are discovered during construction activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer shall consult and determine the best option for avoiding or mitigating the paleontological site.

13. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

14. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

15. One month prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection shall

be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

SUGGESTED SEED MIX* FOR RECLAMATION

Western Wheatgrass	Pascopyrum smithii	6.0 lbs PLS**/acre
Bluebunch Wheatgrass	Pseudoroegeneria spicata	6.0 lbs PLS/acre
Slender Wheatgrass	Elymus trachycaulus ssp: trachycaulus	6.0 lbs PLS/acre
Canby bluegrass	Poa canbyii	2.0lbs PLS/acre
Indian ricegrass	Achnatherum hymenoides	4.0 lbs PLS/acre
	TOTAL	24.0 lbs PLS/acre

Seeding rates are for broadcast seeding. If drilled, seeding rates may be halved.

*All seed must be certified weed free

**PLS = pure live seed

U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office,
P O Box 68
Kremmling, CO 80459

Finding of No Significant Impact (FONSI)

DOI-BLM-CON02000-2013-0004-EA

BACKGROUND

Hester's Holdings has applied for a right-of-way to install a water system. The system would include approximately 4,000 feet of pipeline, an infiltration gallery, a 2,000 gallon cistern, and a spring box. Only 495 feet of pipeline, the spring box and infiltration gallery, and the cistern will be located on public lands.

FINDING OF NO SIGNFICANT IMPACT

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the 1999 Record of Decision and Approved Resource Management Plan (1984). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

The authorization of the water system would benefit the public and state lands by developing a wildlife water source in the uplands away from CO Highway 9. There would be no cost to the public for the development and maintenance of the pipeline. The BLM would hold the senior water right on the seep, which would insure that their water needs would be met before water would leave public lands.

2. The degree to which the Proposed Action affects public health or safety.

The wildlife tanks complement the state's desire to improve motorist's safety by reducing wildlife numbers adjacent to or on Highway 9.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
There are no unique characteristics in this area.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.
There should be no effect on the quality of the human environment which would be highly controversial.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.
No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
The proposed action should not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The proposed action is located on public lands that are not part of a grazing allotment, so there is no need for livestock water at this time. The applicant is supportive of developing the water source to meet public needs first and that private water may not be available, depending on the seep's yield. The BLM and CPW benefit from the development.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.
This action is not related to other actions with individually insignificant but cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
The proposed action would not adversely affect any districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.
There are no threatened or endangered species or habitats for such species that has been determined to be critical under the Endangered Species Act of 1973 within the proposed project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL: __/s/ Susan Cassel_____
Acting Field Manager

DATE SIGNED: 7/31/2013

U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office,
P O Box 68
Kremmling, CO 80459

DECISION RECORD

PROJECT NAME: Hester's Holdings, LLC water system

ENVIRONMENTAL ASSESSMENT NUMBER: DOI-BLM-LLCON02000-2013-0004-EA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2013-0004-EA, authorizing the construction, operation, and maintenance of a water system.

Mitigation Measures: None

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

ENVIRONMENTAL ANALYSIS AND FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-CO-2013-0004-EA and it was found to have no significant impacts, thus an EIS is not required.

PUBLIC INVOLVEMENT

The EA will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

RATIONALE

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. The proposed water system will provide wildlife water and water to private property.

ADMINISTRATIVE REMEDIES

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs

must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's Kremmling Field Office internet website.

SIGNATURE OF AUTHORIZED OFFICIAL: _/s/ Susan Cassel_____
Acting Field Manager

DATE SIGNED: 7/31/2013